

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 11377, Rehearing on Remand of Application of ALW, Inc., pursuant to Section 8207.1 of the Zoning Regulations, for variances from the lot area, lot width, and side yard requirements of the R-1-B district to permit the erection of a single family dwelling, as provided by Section 8207.11 of the regulations, at the premises 1725 Upshur Street, N.W., Lot 825, Square 2644.

HEARING DATE: August 20, 1975-September 17, 1975

DECISION DATE: September 17, 1975

FINDINGS OF FACT:

1. The subject application was scheduled for hearing on August 20, 1975. The opposition was present, however, Mr. Arthur Willcher, attorney for the applicant called the office of the Board of Zoning Adjustment to give notice that he could not appear at 9:00 a.m. on August 20, 1975, because of a court appearance, and requested that the Board hear the case in the afternoon on August 20, 1975.

2. In order not to inconvenience the parties in opposition, to this case and to follow through with the orderly hearing of cases as scheduled, the Board granted a continuance of the case until September 17, 1975.

3. The Board gave notice to the applicant, the owners of property abutting the subject property and to those occupants of improved property within two (200') feet of the subject property as required, and advertises notice of public hearing of this application in the Washington - Star News.

4. The applicant caused to be posted, a notice of the public hearing of this application on the subject property on September 6, 1975.

5. The opposition appeared at the public hearing of September 17, 1975.

6. The attorney representative of the applicant in this case, attorney for the applicant, did not appear at the public hearing of September 17, 1975, and did not give notice to the Board that he could not appear or show good cause why he did not appear.

OPPINION AND CONCLUSIONS OF LAW:

It is the opinion of the Board that the applicant has not in good faith made an attempt to prosecute his claim for relief from the strict application of the Zoning Regulations, before the Board. The applicant's case was continued one (1) time for a period of approximately thirty (30) days, which in the opinion

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of the Board is a reasonable time with-in which the applicant could have prepared and arranged to appear before the Board, or notify the Board and the parties to this case that the applicant could not appear on September 17, 1975.

ORDERED: That the above Application be, DISMISSED without prejudice to refiling at any time.

VOTE: 5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



JAMES E. MILLER

Secretary to the Board

FINAL DATE OF ORDER:

Dec. 12, 1975

Before the Board of Zoning Adjustment, D. C.

Application No. 11377, of ALW, Inc. pursuant to Section 8207.11 for variances from the lot area, width and side yard requirements of the R-1-B District as provided by Sections 3301.1 and 3305.1, to permit erection of a single family dwelling at 1725 Upshur Street, N.W., Lot 825, Square 2644.

HEARING DATE: June 20, 1973

EXECUTIVE SESSION: October 3, 1973

FINDINGS OF FACT:

1. The subject lot is unimproved. The lot is 4,036 square feet and 25 feet wide by 161 feet deep.
2. Applicant intends to erect a single family semi-detached dwelling with 3 bedrooms, 2 1/2 baths and basement. The house will be built on one lot line (west) leaving an 8 foot side yard on the east.
3. In an R-1-B zone the lot area required is 5,000 square feet and a minimum width of 50 feet. Applicant alleges that this lot cannot be improved because of the unique dimensions of the lot.
4. The subject lot has been the subject of previous appeals before the Board, all of which were denied.
5. Opposition at the public hearing centered around the dimensions of the lot. They feel that the lot is too small to be built upon and should be left unimproved. The abutting property owner at 1727 Upshur felt that if applicant were allowed to build on this lot it would infringe upon his light and ventilation.
6. The property was purchased at a tax sale.
7. The hardship alleged by the applicant was self-imposed. The applicant, a developer had knowledge of the exceptional narrowness of the property at the time the property was purchased.

CONCLUSIONS OF LAW:

The Board concludes that applicant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations. The Board cannot grant a variance where there is no evidence of exceptional situation and undue hardship unique to the owner. Applicant was aware at the time of purchase, that this was a substandard lot.

Further, we feel that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

ORDERED:

That this application be DENIED.

Vote: 5-0

FINAL DATE OF ORDER: **DEC 19 1973**

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

Attested By: _____



JAMES E. MILLER
Secretary of the Board